

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMIA HARB, *et al.*,

Plaintiffs,

v.

Case No. 23-cv-13241
Hon. Matthew F. Leitman

NATIONS DIRECT MOTGAGE LLC,

Defendant.

**ORDER GRANTING MOTION TO REMAND (ECF No. 10) AND
REMANDING ACTION TO WAYNE COUNTY CIRCUIT COURT**

Plaintiffs filed the initial Complaint in this action in the Wayne County Circuit Court on April 6, 2023. That Complaint asserted claims arising under federal law and thus could have been removed to this Court. Defendant waited until December 20, 2023, to remove the action to this Court. (*See* Notice of Removal, ECF No. 1.) That removal came too late. *See* 28 U.S.C. 1446(b)(1) (requiring removal within 30 days of a defendant's receipt of the pleading setting forth the claim). The Court is not persuaded by Defendant's argument that circumstances occurring in the state court prior to removal justified the late removal.

Because the action was not timely removed to this Court, the Court will **GRANT** Plaintiff's pending Motion to Remand (ECF No. 10) and will **REMAND** this action to the Wayne County Circuit Court. The Court declines Defendant's

suggestion to bifurcate the claims in the action and to remand only the claims in the original Complaint because the Court is not persuaded that doing so is the most efficient or sensible way to litigate the dispute.

The Court declines to enter an award of fees or costs against Defendant based upon the removal.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 19, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126